

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-159 AGF
)	
LOREN COPP)	
)	
Defendant.)	

MOTION TO PROHIBIT GOVERNMENT FROM MOVING DEFENDANT TO A NEW JAIL
& MOTION TO ALLOW DEFENDANT TO VIEW HIS DISCOVERY MATERIALS ON A
JAIL APPROVED COMPUTER

Defendant Loren Copp, through counsel Assistant Federal Public Defender Charles J. Banks, hereby respectfully moves this Court to prohibit the government from moving Mr. Copp to a new jail facility pending trial. Mr. Copp further requests an order allowing him access to a jail approved computer so he may adequately review his discovery, at a time and place approved by the jail administration. In support, Mr. Copp states the following:

1. The discovery in this case is voluminous. It involves computer forensic data, and it can only be effectively reviewed with the aid of a computer. Mr. Copp has had trouble getting adequate access to a computer for this purpose while in the St. Charles County Jail (“the jail”).
2. The jail has – in past cases, and under strict conditions – allowed family members to provide defendants with computer devices on which to view discovery. The jail limits the place where the device can be used, and the device cannot have internet capabilities.

3. Mr. Copp's family has provided the jail with such a laptop. As part of the jail's review of the laptop, the jail contacted the Assistant United States Attorney handling this case. The jail received instructions to deny Mr. Copp access to the laptop, and the jail has since stopped all vetting of the laptop.
4. The Assistant United States Attorney then informed defense counsel that she will request to have the United States Marshals transfer Mr. Copp to the Ste. Genevieve County Jail pending trial because that jail has *two* computers available for inmates.
 - a. The defense does not agree with this request to transfer Mr. Copp.
 - b. The United States Marshals did not initiate the transfer.
 - c. Neither jail requested the transfer.
 - d. Therefore, such a transfer would be done solely at the request of the Assistant United States Attorney.
 - e. Transferring Mr. Copp under these circumstances would serve no administrative or penological purpose offered by either jail administrators or the United States Marshals. It would simply be done at the discretion of the Assistant United States Attorney.
5. Mr. Copp has an absolute constitutional right to meaningfully access his discovery, and he has the constitutional right to prepare a reasonable defense. In this case, both rights require the use of a computer. Mr. Copp's family has provided the jail with a computer that he can use for this purpose. The computer appears to meet all jail requirements. It will be used only as the jail directs. Therefore, there is no valid reason to deny Mr. Copp the use of this computer.
6. Furthermore, there exists no valid reason to move Mr. Copp - against his will and against the request of defense counsel - to a different jail.

WHEREFORE Mr. Copp respectfully requests this honorable Court's order preventing him from being moved to a different jail at the request of the Assistant United States Attorney. Mr. Copp further requests this Court's order allowing him use of the laptop provided by his family, in a manner, location, and time allowed by the jail.

Respectfully submitted,

/s/Charles J. Banks
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Jennifer Winfield, Assistant United States Attorney.

/s/Charles J. Banks
CHARLES J. BANKS
Assistant Federal Public Defender